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41-23 Haight Realty Inc., a/k/a 41-23 Haight Street Realty, Inc.*

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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**In re:**

**CLAY RIVERVIEW LLC,**

**Debtor.<sup>1</sup>**

**Chapter 11**

**Case No. 20-40381 (NHL)**

**Hon. Nancy Hershey Lord**

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**VERIFIED STATEMENT OF  
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF  
41-23 HAIGHT REALTY INC., a/k/a 41-23 HAIGHT STREET REALTY, INC.  
PURSUANT TO FED. R. BANKR. PRO. 2019**

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The Official Committee of Unsecured Creditors (the “Committee”) of 41-23 Haight Realty Inc., a/k/a 41-23 Haight Street Realty, Inc. (“Haight Realty”), No. 19-43441 (NHL), by and through its undersigned counsel, submits this verified statement (the “Verified Statement”), in the above-captioned case of Clay Riverview LLC (the “Debtor”), as a party in interest in this chapter 11 case, pursuant to rule 2019 of the Federal Rules of Bankruptcy Procedure (the “Rules”):

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<sup>1</sup> The last four digits of the Debtor’s federal tax identification number are –6554.

1. On July 17, 2020 (the “Formation Date”), the United States Trustee for Region 2 (the “US Trustee”), appointed the Committee pursuant to section 1102 of title 11 of the United States Code. A true and correct copy of the notice of *Appointment of Official Committee of Unsecured Creditors* is attached as Exhibit A.

2. Upon its formation, the Committee was comprised of the following: (i) Wei Zhu; (ii) Matthew Krepil; and (iii) LDWS LLC (each, a “Committee Member”). After its formation, the Committee elected to retain and employ Gleichenhaus, Marchese & Weishaar, PC (“GMW”), as its counsel.

3. On August 15, 2020, the Court entered the *Order Authorizing and Approving the Employment and Retention of Gleichenhaus, Marchese & Weishaar, PC as Counsel to the Official Committee of Unsecured Creditors of 41-23 Haight Street Realty, Inc., Effective as of July 17, 2020* (the “GMW Retention Order”). A true and correct copy of the GMW Retention Order is attached as Exhibit B.

4. On September 3, 2020, the Trustee filed its *Amended Appointment of Official Committee of Unsecured Creditors* (the “Amended Committee Appointment”). With the Amended Committee Appointment, the Committee is currently comprised of (i) Wei Zhu; and (ii) Matthew Krepil. A true and correct copy of the Amended Committee Appointment is attached as Exhibit C.

5. On December 4, 2020, the Court entered an *Order Granting Official Committee of Unsecured Creditors’ Motion to Authorize Change of Case Caption* (the “Case Caption Order”), amending the case caption to read “In re 41-23 Haight Realty, Inc., a/k/a 41-23 Haight Street Realty, Inc.”<sup>2</sup> A true and correct copy of the Case Caption Order is attached as Exhibit D.

6. As of the Formation Date, each Committee Member held the following economic interests in relation to the Debtor: (i) Matthew Krepil held and continues to hold an unsecured claim

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<sup>2</sup> Contemporaneously with this Verified Statement, the Committee is filing its *Amended Notice of Appearance and Demand for Service of Papers*, for the sole purpose to reflect the amended case caption.

against Haight Realty's bankruptcy estate arising from a prepetition Judgment and Order entered against Haight Realty on June 29, 2019 in a personal injury action; (ii) Wei Zhu held and continues to hold an alleged unsecured claim against Haight Realty's bankruptcy estate arising from an alleged breach of contract by Haight Realty; and (iii) LDWS LLC held an alleged claim arising from a demand for specific performance related to a prepetition contract between LDWS LLC and Haight Realty.

7. In accordance with Rule 2019, attached as Exhibit E is a list of names, addresses, and the nature and amount of all disclosable economic interests held by each Committee member in relation to the Debtor as of the date of this Verified Statement. The claims and claim amounts set forth in Exhibit E have been provided by the applicable Committee Members, and by filing this Verified Statement, the Committee makes no representation regarding the amount, allowance, or priority of such claims, and reserves all rights with respect thereto.

8. As of the Formation Date, through the entry of the GMW Retention Order and the date of this Verified Statement, GMW has not held and continues not to hold any "disclosable economic interest" in the Debtor.

9. Nothing contained in this Verified Statement should be construed as a limitation upon, or a waiver of, any Committee member's right to assert, file, and/or amend a claim in accordance with applicable law and any orders entered in this case establishing procedures for filing proof of claims.

*[Remainder of page intentionally left blank]*

10. The Committee reserves the right to amend and/or supplement this Verified Statement in accordance with the requirements of Rule 2019 at any time.

Date: December 23, 2020  
Buffalo, New York

**GLEICHENHAUS, MARCHESE & WEISHAAR, P.C.**

/s/ Scott J. Bogucki, Esq.

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**CERTIFICATE OF SERVICE**

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I hereby certify that on this 23rd day of December, 2020, I caused to be filed with the Court electronically, and I caused to be served a true and correct copy of the:

**VERIFIED STATEMENT OF  
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF  
41-23 HAIGHT REALTY INC., a/k/a 41-23 HAIGHT STREET REALTY, INC.  
PURSUANT TO FED. R. BANKR. PRO. 2019**

via electronic filing pursuant to rule 9036 of the Federal Rules of Bankruptcy Procedure on those parties to the above-referenced proceeding who are registered to receive notice through the Court's CM/ECF electronic filing system.

DATED: Buffalo, New York  
December 23, 2020

/s/ Scott J. Bogucki, Esq.  
SCOTT J. BOGUCKI, ESQ.